IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 8496 of 1994

Between:

Posepally Sambasiva Rao, S/o. Yelamandaiah,
Record Assistant, Maristella College,Vijayawada.

Krishna District

..... PETITIONER

AND

1 Maristella College , rep.by it's Correspondent,
Vijayawada -8, Krishna Dist.
2 The Commissioner of Collegeate of Education, Govt. of A.P.,
Nampally, Hyderabad-500 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ ,order or direction particularly in the nature of a writ of Mandamus declaring the action of the 1st respondent in not promoting the petitioner as Junior Assistant in the 1st respondent college, as arbitrary, illegal and violative of principles of natural justice and to consequentially direct the respondents to promote the petitioner Junior Asst., in the 1st respondent college with effect from the date of filing this W.P.

Counsel for the Petitioner: MR.P.PRABHAKARA RAO

Counsel for the Respondent No.1: G.VEERA REDDY

Counsel for the Respondent No.2: G.P. for Education

The Court made the following ORDER:

ORDER:

This writ petition is filed by the petitioner, seeking writ of *mandamus* declaring the action of the first respondent in not promoting the petitioner as Junior Assistant in the first respondent's College, as illegal and arbitrary and for a consequential direction to the respondents to promote the petitioner as Junior Assistant in the first respondent's College.

2. According to the learned counsel for the petitioner, when the writ petition was listed for final hearing on 15.07.2004, instead of his name, Mr. M. Prabhakar Rao's name was printed, and there was some representation on his behalf that the writ petition has become infructuous and it may be dismissed. Accordingly the writ petition was dismissed as infructuous. But later the learned counsel for the petitioner

Mr. P. Prabhakar Rao has come up with W.P.M.P(Sr.)No.110063 of 2004 seeking to set aside the *ex parte* order stating that he did not make such representation and also nobody has represented on his behalf but the same has been ordered.

3. At this stage, it is represented on behalf of the first respondent counsel, Sri G. Veera Reddy that the petitioner took voluntary retirement on 30.11.2002 and received the terminal benefits and had left the service. Therefore, nothing survives in the present writ petition.

4. In view of the above facts, the writ petition is dismissed as infructuous. No costs.

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S. Ananda Reddy, J

Date: 02.12.2004

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To

1. The Correspondent

Maristella College,
Vijayawada -8, Krishna District.

2 The Commissioner of Collegeate of Education,

Government. of Andhra Pradesh
Nampally, Hyderabad-500 001.

3. 2 CCs to Government Pleader for Education, High Court Buildings, High Court of A.P., Hyderabad (OUT)

4. 2 CD copies